

Tentative Rulings

June 26, 2017

Department 11

NOTICE TO ALL GUARDIANS AND PETITIONERS: The Family Law Facilitator offers assistance on Guardianship matters by appointment. **PLEASE NOTE:** Guardianship workshops are no longer being held. The Court recommends that all Guardians and Petitioners, especially self represented litigants (individuals without an attorney) contact and make an appointment for assistance on their Guardianships to ensure that Guardians are aware of their ongoing obligations/responsibilities to the Ward and to the Court.

1:30 p.m.

GDN OF GERALDO, GEOVANNI, AND IAN CORONA

Case Number: 28525

Tentative Ruling on Annual Review: The Petition for Guardianship of the Person was filed January 8, 2016 by the maternal grandmother, Maria Raquel Carrillo and the maternal aunt, Raquel Carrillo. On June 20, 2016, they were appointed Guardians of the Person. The annual Confidential Guardianship Status Report was to have been submitted to the Court no later than June 12, 2017. The report has not been submitted. **The Guardians are ORDERED to appear at today's hearing and to submit his Annual Status Report at the time of the hearing. Failure to do so may result in the issuance of an Order to Show Cause Why Monetary Sanctions in the amount of \$250.00 should not be ordered for violating the Court's order to appear and to file the report.**

GDN OF ALLIYAH HAGADORN

Case Number: 28276

Tentative Ruling on Annual Review: The Petition for Guardianship of the Person was filed May 14, 2015 by the paternal aunt, Alita Angell-Murray. On June 22, 2015, the paternal aunt was appointed Guardian of the Person. The annual Confidential Guardianship Status Report was to have been submitted to the Court no later than June 12, 2017. The report has not been submitted. **The Guardians are ORDERED to appear at today's hearing and to submit his Annual Status Report at the time of the hearing. Failure to do so may result in the issuance of an Order to Show Cause Why Monetary Sanctions in the amount of \$250.00 should not be ordered for violating the Court's order to appear and to file the report.** The Court notes the future court date of July 10, 2017 for Status of Visitation.

GDN OF DASHAY HAYDEN

Case Number: 29167

Tentative Ruling on Petition for Appointment of the Guardian of the Person: This matter is on calendar for determination of whether to grant a Petition for Appointment of Guardian of the Person. The Petition was filed by the ex-step-mother, Neoma Hayden. An Order Appointing Temporary Guardians issued May 23, 2017 and expires today unless extended.

The Court has reviewed and considered the Court Investigator's report filed June 19, 2017 and agrees with the recommendation to grant the Petition. The Court FINDS it would be detrimental for the child to be with either parent or any parent objecting to the guardianship, the guardianship is in the child's best interest and is necessary and convenient. The proposed Guardians are suitable. No objections have been filed. A Nomination of Guardian and Waiver of Notice has been filed by the mother, Kristine Larsen, and the father, Donald Hayden. The Petition has otherwise been properly and timely noticed.

The Court **GRANTS** the petition with visitation at the discretion of the Guardian. A proposed Order Appointing Guardian has been lodged and will be executed. The proposed additional orders attached to the Court Investigator's report are adopted by the Court and the Clerk is directed to attach said additional orders to the Order Appointing Guardian. The Annual Review is set for **Monday, July 2, 2018 at 1:30 p.m. in Department 11.**

GDN OF AVA LYNCH

Case Number: 29116

Tentative Ruling on Petition for Appointment of the Guardian of the Person: This matter is on calendar for further proceedings on whether to grant a Petition for Appointment of Guardian of the Person. The Petition was filed by the second cousin and her husband, Jenipher and Jacob Shaver. An Order Appointing Temporary Guardians issues April 10, 2017 and remain in effect until further order of this Court.

The Court has reviewed and considered the report filed by CFS on May 17, 2017 and agrees with the recommendation to grant the Petition. The Court FINDS it would be detrimental for the child to be with either parent or any parent objecting to the guardianship, the guardianship is in the child's best interest and is necessary and convenient. The proposed Guardians are suitable.

At the last hearing on this matter, the mother, Kattie Holland, represented that she did not have time to file an objection. She was provided a form to fill-out and was directed to file an objection on the approved form prior to today's hearing. She has not filed an objection. The maternal grandmother, Lynn Snow-Holland, filed a declaration on June 16, 2017. It requests court-ordered visitation.

The Public Defender's Office was appointed as counsel for the minor on June 5, 2017. **Appearances are necessary to discuss: (1) whether the mother intends to file an objection, (2) whether the maternal grandmother's declaration is intended as a formal objection or petition for visitation, and (3) whether a court trial is necessary in this matter.**

GDN OF NORVELL MINER III

Case Number: 29113

Tentative Ruling on Petitions for Appointment of Guardian of the Person: This matter is on calendar for hearing on two competing Petitions for Guardian of the Person.

The Dore Petition. The first petition was filed by the aunt and uncle-in-law, Diana Dore and TJ Dore, on April 5, 2017. This matter has been properly noticed, with proof of service on file. Two objections were filed to the Dore Petition. The first objection was filed by the mother, Nancy Zane, and the father, Norvell Miner, Jr.. The second objection was filed by and paternal grandmother, Annette Miner.

The Miner Petition. The second petition was filed by the paternal grandparents, Annette Miner and Norvell Miner, Sr. When this matter was last on calendar, the Court indicated its intention to set this matter for court trial upon proper notice of the Miner Petition. The proof of service is not complete and therefore it is technically invalid. The Court will allow the Miner's to file an amended proof of service.

Attorney Jennifer Ayers was appointed as counsel for the minor on June 5, 2017. **Appearances are necessary to discuss setting a court trial on the Dore Petition.**

GDN OF TAJ AND CZAR PECTOL

Case Number: 28298

Tentative Ruling on Request for Emergency Temporary Order: There are two cases related to the pending matter—the guardianship case, *GDN of Pectol* (28298), and a family law case, *Pectol v. Boudouani* (173624). The request that is presenting pending before this Court is a Request for an Emergency Temporary Order that was initially filed in the family law case. It was ordered to be moved to the guardianship file by the court presiding over the family law case on June 16, 2017. On its own motion, the Court takes judicial notice of the entire record and files in the family law case pursuant to Evidence Code § 452(d).

In the guardianship case, the paternal grandparents, Kathryn and Brent Pectol, were appointed Guardians on December 10, 2015 after a court trial at which the father, Michael Pectol, was represented by counsel. The father, Michael Pectol, filed a Petitioner for Termination of Guardianship on August 18, 2016. That Petition was dropped from calendar due to incomplete service on all required parties.

The present Request for Emergency Temporary Order is improper, as it is a family law request—not a guardianship request. The father may wish to consult with the Court's Family Law Facilitator's office on the first floor to get assistance to properly file and serve a Petition to Terminate the Guardianship.

The Request for Emergency Temporary Order is **DENIED**.

GDN OF CYNTHIA, ETHEN & CAYLEE SAELOR

Case Number: 27990

Tentative Ruling on Further Proceeding on Petition for Termination of Guardianship: Letters of guardianship issued to the maternal aunt (Rachel Gale) on November 10, 2014, after a court trial. A Petition to Terminate Guardianship was filed on April 27, 2017. The Petition was incomplete; specifically Item 9 failed to provide the name and address of the required family members. Based on the defect the matter was continued to today's date to permit the filing of an Amended Petition which corrected the defect. The Petitioner was also ordered to file and serve a new Notice of Hearing for the continued hearing date. No Amended Petition was filed; however, the Court notes that a new Notice of Hearing has been filed which may reflect service on all required individuals. The Court Investigator has provided a Report which recommends the termination of the Guardianship. With proper documentation and notice the Court is prepared to grant the Petition to Terminate. **An appearance is required by the parties to provide the identity of the extended family specifically grandparents to ensure that all necessary parties have been given notice.**

GDN OF KARSON SPEERS

Case Number: 29123

Tentative Ruling on Further Proceedings on Petition for Appointment of the Guardian of the Person:

This matter is on calendar for determination of whether to grant the Petition for Appointment of Guardian of the Person of minor, Karson Speers. The Petition was filed by Michelle Azbill, the maternal grandmother. A Temporary Order Appointing Temporary Guardians issued April 12, 2017 and expires today unless extended.

The Court has reviewed and considered the Court Investigator's report filed May 9, 2017 and agrees with the recommendation to grant the Petition. The Court FINDS it would be detrimental for the child to be with either parent or any parent objecting to the guardianship, the guardianship is in the child's best interest and is necessary and convenient. The proposed Guardians are suitable. No objections have been filed. No competing Petition for Appointment has been filed. The Court dispenses with notice to the deceased paternal grandfather. The Petition has otherwise been properly and timely noticed.

The Court **GRANTS** the petition with visitation at the discretion of the Guardians. A proposed Order Appointing Guardian has been lodged and will be executed. The proposed additional orders attached to the Court Investigator's report are adopted by the Court and the Clerk is directed to attach said additional orders to the Order Appointing Guardian. The Annual Review is set for **Monday, July 2, 2018, at 1:30 p.m. in Department 11.**

GDN OF ALIYAH SPRICKMAN

CASE NUMBER: 28735

Tentative Ruling on Further Proceedings re Status of Visitation: Letters of guardianship issued to the maternal grandparents, Jeanene and Charles Haptonstall, on August 15, 2016. The parents, Sarah Cramer and Tyler Sprickman, filed separate Petitions for Visitation in December 2016. The Guardianship has been in place for approximately ten months, and the Guardians are not sharing custody with the parents.

The Court has reviewed the Court Investigator's report filed March 8, 2017. The Court previously found that

termination of the Guardianship was premature, and set the matter for continued hearing on the Petition for Termination on September 18, 2017, and for Status of Visitation on June 19, 2017.

The father filed a Certificate of Achievement in anger management coursework prior to the June 19, 2017 hearing. At that time, the mother again requested that the guardianship be terminated, and the Court continued the matter to today's date. At that time, the Court directed the clerk to contact and advise the Guardians of today's hearing date, and advised the mother that the matter would be called at the early part of today's calendar to accommodate the father's work schedule. **Appearances are necessary by the Guardians and the parents to discuss: (1) the Status of Visitation, and (2) whether termination of the guardianship is appropriate.**

GDN OF ADIN STEPHENS

Case Number: 27007

Tentative Ruling on Further Proceedings Petition for Visitation: This proceeding is a Guardianship of the Person. On January 9, 2012, Jerry and Teri Canaday were appointed as Guardians of the minor, Kyra Steele. The present Petition for Visitation was filed by Roger Buchanan, the minor's father, and set a hearing date of May 22, 2017. At the previous hearing the Court noted that the proof of service on the Notice of Hearing was incomplete and therefore invalid. The matter was continued to today's date to permit the filing of an Amended Notice of Hearing. No Amended Notice of Hearing has been filed. Without proper service the Court cannot grant the present motion. **Petitioner, Mr. Buchanan is ordered to appear to inform the Court whether he intends on pursuing the present Petition.**

GDN OF HANNAH WYANT

Case Number: 29174

Tentative Ruling on Petition for Appointment of the Guardian of the Person: This matter is on calendar for determination of whether to grant the Petition for Appointment of Guardian of the Person of minor, Hannah Wyant. The Petition was filed by LaVena Sentnor, a non-relative. A Temporary Order Appointing Temporary Guardians issued May 23, 2017 and expires today unless extended.

The Court has reviewed and considered the CFS report filed June 21, 2017 and agrees with the recommendation to grant the Petition. The Court FINDS it would be detrimental for the child to be with either parent or any parent objecting to the guardianship, the guardianship is in the child's best interest and is necessary and convenient. The proposed Guardian is suitable. No objections have been filed. The Court dispenses with notice to the deceased mother and deceased paternal grandparents. The Petition has otherwise been properly and timely noticed.

The Court **GRANTS** the petition with visitation at the discretion of the Guardian. A proposed Order Appointing Guardian has been lodged and will be executed. The Annual Review is set for **Monday, July 30, 2018 at 1:30 p.m. in Department 11.**

3:00 p.m.

GDN OF SYNTHIA & TITO AMADOR
Case Number: 29144

Tentative Ruling on Further Proceedings on Petition for Appointment of Guardian: This matter is on calendar for determination of whether to grant a Petition for Appointment of Guardian of the Person. The Petition was filed by the maternal grandparents, Vilumina and Pedro Rico. An Order Appointing Temporary Guardians issued April 28, 2017 and expires today unless extended.

At the previous hearing on June 12, 2017, the Court continued the matter to today and ordered the Guardians to bring the minors to today's hearing so that the Court, counsel and the parties could discuss the situation with the minors. **An appearance is required by the Petitioners and minors to permit a discussion as to the best interests of the minor.**